

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-389. Statement of intent.

Generally, the General Business District, B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy ~~trucking~~ *truck traffic* other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise *commonly associated by the* ~~of~~ congregation of people and passenger vehicles.

(Ord. No. 31A-88, 20-81, 4-8-85)

Sec. 24-390. Permitted uses.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions. In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Adult day care centers.

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises which is clearly secondary to the commercial use of the property.

Banks and other similar financial institutions.

Barber and beauty shops.

Business, governmental and professional offices.

Child day care centers.

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Drug stores.

Dry cleaners and laundries.

Farmer's Market.

Feed, seed and farm supply stores.

Fire stations.

Funeral homes.

Health clubs, exercise clubs, fitness centers.

Hotels, motels, ~~and~~ *and* tourist homes ~~and convention centers~~.

~~Houses of worship.~~

Indoor sport facilities (excluding shooting ranges).

Indoor theaters.

Libraries.

Limousine services (with maintenance limited to a fully enclosed building).

Lodges, civic clubs, fraternal organizations and service clubs.

Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the ~~development review committee~~ *director of planning*, located within the building setback area with a maximum height of 12 feet).

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.

Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packing or distribution.

Medical clinics or offices.

Micro-breweries.

Museums.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by section 24-53.

Parking lots, *parking structures* and garages.

Photography *studios and sales*, artist and sculptor studios, *arts and craft shops and sales, antique shops gift shops and souvenir shops*.

Places of public assembly, including houses of worship and public meeting halls.

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Police stations.

Post offices.

Printing and publishing.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls, *bingo halls* and other indoor centers of amusement.

~~Public meeting halls.~~

Radio and television stations and accessory antenna or towers and tower mounted wireless communication facilities, which are 60 feet or less in height.

Research, development and design facilities or laboratories.

Restaurants, fast food restaurants, tea rooms and taverns.

Retail and service stores, including the following stores: *alcohol*, antiques, arts and crafts, books, *cameras*, candy, carpet, coin, department, dressmaking, duplicating services, *electronics*, florist, furniture, furrier, garden supply, gift, *gourmet foods*, greeting card, gunsmith (excluding shooting ranges), handicrafts, hardware, *health and beauty aids*, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, office supply, *optical goods*, paint, pet, photography, picture framing, plant supply, secretarial services, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, *variety*, wearing apparel, and yard goods.

Retail food stores, bakeries and fish markets.

Schools, *public or private*.

Security service offices.

Telephone exchanges and telephone switching stations gap.

Timbering in accordance with section 24-43.

Vehicle rental facilities.

Veterinary hospitals.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(Ord. No. 31A-88, 20-82, 4-8-85; Ord. No. 31A-96, 4-7-86; Ord. No. 31A-102, 6-1-87; Ord. No. 31A-121, 5-21-90; Ord. No. 31A-143, 5-4-92; Ord. No. 31A -145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-174, 1-28-97; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-236, 8-12-08; Ord. No. 31A-244, 2-9-10)

Sec. 24-391. Uses permitted by special use permit only.

In the B-1, General Business District, buildings to be erected or the land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors *and implementation of the performance standards listed in Section 24-391.1*:

Amphitheaters or stadiums.

Antennas and towers in excess of 60 feet in height.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Campgrounds.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Convention centers.

Country clubs and golf courses, public or private.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Firing ranges, shooting ranges or paintball ranges, limited to a fully enclosed building.

Flea markets.

Heliports and helistops, as an accessory use.

Hospitals.

Kennels.

Nonemergency medical transport.

Nursing homes.

Outdoor centers of amusement, *including miniature golf courses, waterslide parks, baseball and/or softball hitting cages.*

Outdoor sport facilities, *including golf driving ranges and skate parks.*

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.

~~Privately or publicly~~ owned solid waste container sites.

Railroad facilities including tracks, bridges and, stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Taxi service.

Theme parks of ten acres or more.

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

~~Vehicle rentals.~~

Waste disposal facilities.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and

(b) Distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.

(Ord. No. 31A-88, 20-82.1, 4-8-85; Ord. No. 31A-96, 4-7-86; Ord. No. 31A-121, 5-21-90; Ord. No. 31A-133, 11-4-91; Ord. No. 31A-143, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-152, 8-16-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-234, 4-8-08; Ord. No. 31A-236, 8-12-08; Ord. No. 31A-244, 2-9-10)

Sec. 24-391.1. Performance Standards for Uses Permitted by Special Use Permit

The following performance standards shall be applicable to any use permitted by a Special Use Permit in the Limited Business District, LB:

(1) *Archaeology – A Phase I Archaeology Study for the entire property shall be submitted to the director of planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the director of planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Historic Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the director of planning and a treatment plan for said sites shall be submitted to and approved by the director of planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the director of planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.*

(2) *Architecture – Prior to final site plan approval, the director of planning shall review and approve the final architectural design of the building. Such building shall be reasonably consistent, as determined by the director of planning, with the architectural elevations submitted with the special use permit application and include the project title, date and name of the person and professional firm submitting the drawings or elevations.*

(3) *Landscaping – Prior to final site plan approval, the director of planning shall review and approve the proposed landscaping plan for the entire property. All required plantings located within the perimeter buffers of the property located along a public right-of-way identified on the Comprehensive Plan as a Community Character Corridor shall be required to meet 125% of size requirements and shall contain a minimum of 50 percent evergreen trees.*

(4) *Lighting – Prior to final site plan approval, a lighting plan shall be submitted to the director of planning for review and approval. All luminaries used shall be recessed fixture with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 foot-candle or higher shall occur outside the property lines without prior approval from the director of planning.*

(5) *Water Conservation Standards – The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority General Manager. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.*

Unless otherwise required by this chapter, upon written request by the applicant, the director of planning may waive any performance standards requirement under 24-391.1 (1) – (5) after finding that such information would not be germane to the application.

Sec. 24-392. Area requirements.

No area requirements.

(Ord. No. 31A-88, 20-83, 4-8-85)

Sec. 24-393. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the development review committee.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The ~~development review committee~~ *director of planning* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (1), the ~~development review committee~~ **director of planning** can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (1) above.

(3) Appeals. In the event the director of planning disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the director of planning to the development review committee who shall forward a recommendation to the Planning Commission.

(Ord. No. 31A-88, 20-84, 4-8-85; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-241, 6-9-09)

Sec. 24-394. Yard regulations.

(a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

(b) All accessory structures shall be located at least ten feet from any side or rear lot line.

(Ord. No. 31A-88, 20-84.1, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-180, 9-8-98)

Sec. 24-395. Special provisions for the waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-394:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are both:

(a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the ~~planning commission~~ **director of planning** may grant, at ~~its~~ **his** discretion, a waiver from any part of section 24-394 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-394;

(2) Adequate parking is provided as per the requirements of this chapter and, where determined necessary by the commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter and, where determined necessary by the commission, adequate easements, or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and

(4) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

(5) Appeals. In the event the director of planning disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the director of planning to the development review committee who shall forward a recommendation to the Planning Commission.

(Ord. No. 31A-88, 20-84.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-180, 9-8-98)

Sec. 24-396. Reserved.

Sec. 24-397. Height limits and height limitation waivers.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade, in accord with the following criteria:

(1) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and accessory and non-accessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. The regulations of section 24-398 regarding building coverage, floor area ratio and open space are met;
- b. Such structure will not obstruct light from adjacent property;
- c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- d. Such structure will not impair property values in the surrounding area;
- e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and the building is reasonably

well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

f. Such structure would not be contrary to the public health, safety or general welfare.

(2) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(3) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

(Ord. No. 31A-88, 20-86, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-143, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-180, 9-8-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

Sec. 24-398. Building coverage limits.

Building coverage shall not exceed ~~25~~ 40 percent of the total lot area and the floor area ratio shall not exceed 60 percent. ~~However, the floor area ratio may be increased to 75 percent if the additional floor area is used to provide indoor parking.~~

(Ord. No. 31A-180, 9-8-98)

Sec. 24-399. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

(Ord. No. 31A-88, 20-86.1, 4-8-85; Ord. No. 31A-180, 9-8-98)

Sec. 24-400. Site plan review.

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with section 24-142.

(Ord. No. 31A-88, 20-86.3, 4-8-85; Ord. No. 31A-180, 9-8-98)

Sec. 24-401. Sidewalks.

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

(Ord. No. 31A-180, 9-8-98)

Sec. 24-402. Landscaping.

Landscaping shall be provided as required in article II, division 4.

(Ord. No. 31A-180, 9-8-98)

Secs. 24-403 - 24-409. Reserved.